

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

98 SEP 29 PM 2:14

U.S. DISTRICT COURT
N.D. OF ALABAMA

WILLIAM F. COOPER,

Plaintiff,

vs.

NED WHITEHEAD,

Defendants.

CV 98-AR-0227-S

ENTERED

SEP 29 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 10, 1998, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff has filed a document in response to the magistrate judge's report and recommendation which does not address the findings of the magistrate judge and is in fact a motion for the appointment of counsel and an extension of time.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

22

DONE this the 29th day of September, 1998.

A handwritten signature in black ink, reading "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE